

## **REMARKS**

### **I. Status of the Claims**

Claims 1-37 stand in this application. In the Office Action mailed on February 18, 2009, claims 1-37 were rejected. Favorable reconsideration and allowance of the standing claims are respectfully requested.

### **II. Rejections Under 35 U.S.C. § 103**

Claims 1-37 stand rejected under 35 U.S.C. § 103(a) as being obvious over Kuban et al., United States Patent No. 4,994,908 (“Kuban”) in view of Crawford, Jr., United States Patent No. 5,331,549 (“Crawford”). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the obviousness rejection.

Kuban is entirely directed to the tracking and display of room information using a cable television system. Kuban, Abstract. This includes occupancy and status information such as room temperature. There is no teaching or suggestion in Kuban directed to providing any additional status information relating to anything other than the room itself. Furthermore, the Office Action concedes that Kuban fails to teach simultaneously conveying room and occupant status information as previously discussed in prior submissions.

Crawford discloses the tracking and display of physiological status information. While the system does contemplate providing this information in a graphical format which may reference the room in which the patient is located on a floor, there is no teaching or suggestion of integrating the physiological information with any room status information.

According to the Office Action in response to Applicant’s prior arguments, the Examiner states that Crawford teaches the simultaneous display of patient and room status information in a

common cell, relying on Col. 6, lines 3-27 and Figs. 3 and 4. Further the Examiner states that Crawford displays multicolor coded alert conditions. The Examiner reads broadly on the term “status of the room” as required by the claims and relies upon a disclosure of the location of the room as fitting within this status. Lastly, the Examiner states that the color coded condition which indicates a disconnected monitor reveals room status, such as if the patient has left the room.

Applicant respectfully disagrees with the Examiner’s characterization. Furthermore, Applicant has amended the claim to more fully and accurately require “room status” information. Room status information is clearly identified, on pages 7 and 8 of the application as referring to the variable conditions associated with the room and not the room’s location or any other permanent attribute of the physical space encompassing the room. As such, the room location cannot be identified as room status as defined by the claims in light of the specification.

With respect to the Examiner’s characterization of the color coded warning lights of the Crawford system, the mere absence of a warning light, or a warning light which is merely reflective of a disconnected vital signs monitor cannot be considered as a teaching or suggestion of room status. The absence of an indicator conveys absolutely nothing about the room, only that no information is presently known. The room could be occupied or unoccupied, clean or dirty. The purpose of the system is to convey real time status information and the claims are therefore drawn to require the simultaneous display of such information. Reference to an indicator which lacks any output as indicating an empty room is improper, as that conclusion cannot be accurately drawn. Furthermore, the disconnection of monitoring equipment in the room from an occupant, such as identified in the Examiner’s example of a patient that has gone for a CAT scan, is an insufficient teaching or suggestion of a room status monitor. The presence

of a disconnected status light or other indicator merely discloses that such equipment is not in use. Certainly the patient could still be present in the room while such equipment is not in use, as the same equipment may not have been prescribed or required by the patient's attending physician. Thus the patient may be present and the disconnected status would not accurately reflect the room status. It is therefore submitted that the claims, as currently amended, require simultaneous display of both room and patient status (and not merely the absence of such status) and Kuban/Crawford does not disclose or suggest the same.

### **CONCLUSION**

It is believed that claims 1-37 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned at 412-918-1110 to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to the previously authorized deposit account.

Respectfully submitted,

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/ Barry I. Friedman /  
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Under 37 CFR 1.34(a)

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